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## THE POLICE AND THE ADMINISTRATION OF JUSTICE

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It is a far cry from the stately black robed justices of the United States supreme court to the lowliest administrators of justice in this country. Nor is the difference in dignity greater than the difference in authority, for to my mind the lowliest administrators of justice in this country are not the police court magistrates, or "squires," but the policemen themselves, though as such they are not authorized by statute or by-law, not to mention the constitution. When administering justice in this fashion the police derive their powers from the common need and common consent of those to whom and for whom they are administering it.

I am assured on every hand by police officers that the number of cases which they try, decide, and settle without any strictly legal right to do so, contrary to the letter of the rules, and at the risk of charges being preferred, or of a suit for damages, is many times larger than the number which is or could be brought into court. These cases are the result of everyday happenings, so trivial that a police court judge would rebuke a policeman for bringing many of them into court, yet so important to the principals that if not settled somehow they would add immeasurably to the bitterness of life, and very frequently lead to really serious offenses when the parties attempted to settle the matter themselves. The ordinary policeman has no power to act without a warrant or some other writ in a civil case, but in the foreign quarters of our cities, if some poor fellow comes up to a policeman with the startling statement that he has been robbed of his trunk, investigation will usually show some disagreement between a lodger and a landlord about the customary payment of 10 cents for the rent of a bed for a night. The policeman's protestations that he cannot act in the matter are meaningless to the disputants; and at the end of five or ten minutes of argument, flattery of the officer, and personal descriptions of each other, the trouble will finally be settled to the moderate satisfaction of everybody by the officer's shrewd guess as to the rights of the case. To have thrashed the matter out in court

would have taken a half hour, cost the men a day's pay, if not also lawyers' fees, and perhaps not have settled the matter rightly after all.

Again some little children come to the policeman about midnight to announce that a man is killing somebody in their block. As the place is approached it certainly sounds that way, but really the neighborhood is being aroused by two half drunken oafs shouting wildly at each other across an areaway, and ably supported by their several women folk and the whimpering of about a dozen children. The policeman's command to stop the noise is met with a profane order to get out of the house if he has not got a warrant. The reply to that is to drag the legal expert downstairs, and arrest him for drunkenness. The next morning the fellow has sobered up enough to remember that if he does go to court he may lose his job, or he may get a fine, and that if he should prefer charges against the policeman he would have to walk a chalk line the rest of his days, so he usually forgets that his "house is his castle" and is glad to be released by the probation officers, as having been arrested for "safekeeping," or some similarly vague charge. The important facts, however, are that a fine brawl was prevented, and that the several hundred tired people within earshot got to sleep. Elsewhere in the city, a short chase and a swift kick will adjudicate some case concerning stolen apples far more effectively than the juvenile court and the simple statement to respectable parents that their son has broken Mrs. \_\_\_\_\_'s window throwing snowballs ends that matter.

On a busy route a policeman could not even write up his reports of such cases. In settling nine out of ten of them he probably exceeds his legal powers, but he furnishes rude justice more cheaply and more efficiently, because more seasonably than the courts could. If a person well acquainted with the ordinances of a large city, walks its streets for five minutes he can see from one to a dozen violations of them. So can the policeman, but the latter must decide, first, whether the matter is worth taking up at all; second, whether he has power to interfere; thirdly, whether it would be better for him to try settling it off-hand, to arrest the offender, or to apply for a summons. The number of civil suits for false arrests against policemen shows that their decisions are frequently disputed, but the number decided against them is comparatively small, despite the disgusting tendency of juries to "soak the cop." The wonder is, considering the legal training of the policemen and the multitude of ordinances, that they

make so few mistakes. That there is danger in the practice is indubitable, but the ease with which complaints are made to police superiors, the ever present resort to the courts, and the policeman's constant fear of making false arrests keep the danger at a minimum. Such police work in some continental European countries is legally recognized and the policeman can impose and collect fines on the spot for petty offenses, or as in Prussia have his superior officer send a polite note informing you that you have been fined a few marks. How excellent a means to check spitting on the sidewalk, or throwing paper on the street!

That the use of such discretionary power by policemen is necessary and wise, I do not doubt. It cannot be governed by strict rules, for its very existence is due to the rigidity and ponderosity of the regular judicial machinery. It must be left to the experience, diligence, and common sense of the policeman, and the only way in which the superior officers can increase those qualities is through the training which the new men receive. The efficiency of a police department depends largely upon the respect with which it is regarded by the populace and this respect rests in a very large degree upon the ability and tact with which such small happenings are handled.

A different story is to be told when the policeman does appear in court. There the man who has been selected as physically and mentally alert, who has seen thousands of cases, has given testimony in hundreds, who is through his experience accustomed to noting facts and circumstances in the midst of excitement, that would escape an ordinary person at any time, and, more important still, to remembering them some time afterwards, such a man is opposed usually by persons whose testimony is fallible and hazy enough in any event, and in the case of defendants very often deliberately perjured; yet equal credence is frequently given by judges in many cases. The lying defendant is all the bolder because he is aware that he will scarcely ever be made to repent of perjury in a police court while the slightest slip by a policeman will practically mean the prisoner's discharge, and all too often a public reprimand by a judge with his eye upon the newspaper reporters and reelection. Where judges and district attorneys can be moved by political influence a deliberate offender is often discharged upon such manufactured evidence to the disgust of the conscientious officer who will be taunted with his failure by the defendant's friends. Is it remarkable then, that policemen, being human and knowing how per-

jury and influence permit offenders to escape justice, forget the ideal of complete impartiality and emphasize the facts against a prisoner? The natural result of such a vicious circle is that the public feels the policemen are incompetent witnesses, determined to get convictions at any cost, and very ignorant of the law; the policeman thinks the judges are wrong-headed, blind, or worse, and usually becomes discouraged and willing to let a case drop at a suggestion from the eternally busy and overworked district attorney. This phenomenon is widespread and from every policeman whom I have questioned the answer has been that the treatment given by the courts to their own servants, the policemen, is such as to discourage earnest, persistent, conscientious police work, and to encourage the people at large, especially the rougher element, in the belief that it is not at all hard or dangerous to win a victory over a policeman by deliberate perjury.

The lessons to be derived from these observations are important. If we are to permit any men to wield such wide discretionary authority, if we are to subject any men to the sneers of offenders and newspapers and still expect them to give full, unbiased testimony, we must first select a very high grade of men; we must secondly train them thoroughly; thirdly, make them feel that real public opinion is behind them, and that no influence sinister or otherwise will keep their superior officers from backing them to the end in a just cause. That is a very large task and one which in its entirety no American city has yet attempted, although many foreign cities have done so successfully, for example London and the great provincial cities of England. Some of our cities attempt no part of it. They take any hulk of a man with political influence and not too bad a record, and swear him in as a protector of the public peace. His pay is never very much, insignificant at first when the expenses are heaviest, and the chances to make money or to receive presents remarkably easy and numerous. His superior officer gives him a shield, keys, revolver, club, and book of rules, tells him to patrol a route, try to keep out of trouble if he can, but if he must "mix in" to "land the first wallop," and to ask any questions of his "side partner" or sergeant. Such is his training course.

The best type of man for making a good policeman is the skilled laborer, mechanic, or craftsman; men of perhaps high school education; men on the whole steady and with minds already trained to careful work. Fifteen years ago this was the type of man appear-

ing as candidate where examinations were held; now it is the teamsters, street car employees, and other unskilled laborers who largely predominate. Such men are not usually of very large mental calibre, and are very often lacking in respect for mental training.

The cause for the change is the pay. When a man enters the police force as a probationary patrolman he gets about \$2 or \$2.50 a day, a ditchdigger's wage; he must buy a costly uniform, and he is not sure of final acceptance. In New York and Boston alone of our large cities is the maximum pay as a patrolman over \$3.50 a day while the much boasted pension is frequently very precarious. In Washington, the national capital, for instance, the full pension has not been paid in years. What is there, then, in such a proposition to tempt a skilled laborer from an eight-hour day at union wages? I feel strongly that probationary patrolmen everywhere should receive not less than \$3 a day, and that some provision should be made so that they could pay for their uniforms on easy terms. It would be better still to provide them with an outfit for the season in which they join.

European cities find it advantageous to train men from one to four months before permitting them to do police work on their own responsibility. The course is physical as well as mental and in some cases very thorough. It embraces law from the policeman's standpoint, gymnastic drill, court work, and practical hints about police duty. I am glad to say that Chicago, Philadelphia and several other cities have started police schools and under the guidance of such men as Captain Martin Ray much good can be expected from them.

To make the men feel that their superiors are behind them heartily is a matter largely of personality and consistent effort, but it would be helped very much if superior officers would try openly to make details and extra duty fit in well with the convenience of the men, and watch over their comfort in other little matters, as well as being more open to suggestions and more ready to give advice in a pleasant manner to their subordinates. After a few years under a police system animated by a spirit such as this, I feel certain that the air of mutual distrust between the public and the policeman would disappear to be replaced by that confidence and pride in the "big brothers of the poor" which should be one of the rewards of a service at all times arduous.